

REMARKS

Claims 1-2, 4-5, 10, 12, 68 and 71-73 are pending in this application. By this Amendment, the specification and claims 1, 4, 10 and 68 are amended, claims 3, 69 and 70 are canceled without prejudice or disclaimer and new claims 71-37 are added. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claim 10 under 35 U.S.C. §102(b) by U.S. Patent 6,324,522 to Peterson et al. (hereafter Peterson). The Office Action also rejects claims 1-5 and 68-70 under 35 U.S.C. §103(a) over Peterson in view of U.S. Patent 6,085,171 to Leonard et al. (hereafter Leonard). Still further, the Office Action rejects claim 12 under 35 U.S.C. §103(a) over Peterson in view of U.S. Patent 5,963,915 to Kirsch. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 10 recites an order control set-up server coupled to the database server and web server, and configured to restrict prescribed orders for each of the dealing companies based on the order restriction information about the products registered in the database server or information about the respective dealing companies.

Peterson does not teach or suggest at least these features of independent claim 10. More specifically, the Office Action cites Peterson's col. 5, lines 4-15 and FIGs. 13-16 for these features. However, the cited section and the referenced Figures do not contain any description related to restricting prescribed orders for each of the dealing companies. Rather, Peterson's col. 5 relates to electronic transfer of an invoice via the network. See FIG. 1, step 36. This clearly does not relate to restricting prescribed orders for each of the dealing companies. Applicants

have also fully reviewed Peterson's FIGs. 13-16 and their corresponding description and have not found any type of subject matter related to restricting prescribed orders.

Applicants also note that at least one previous Office Action has explicitly stated that Peterson does not teach the claimed order control set-up server. See, for example, the Office Action dated May 18, 2006, page 6. It is extremely unclear to applicants how independent claim 10 can be further rejected based on Peterson in view of these previous statements in the May 18, 2006 Office Action and in view of the argument set forth above (that Peterson does not include the claimed features). Peterson does not teach or suggest all the features of independent claim 10. Thus, independent claim 10 defines patentable subject matter.

Independent claim 1 recites an order control server configured to gather information about tangible products ordered through the web server and respective product order error items stored in the database server, and to determine whether an error of a corresponding tangible product order is correct, and to execute a selective order control in accordance with the determination. Independent claim 1 also recites a divisional order processing server to perform a scheduled order processing by providing a product shipment of a partial quantity of a total order quantity of an order-confirmed product at prescribed times, and the divisional order processing server to register items of the scheduled order processing to a temporary order information storage unit

Independent claim 1 includes features from previous dependent claim 3 relating to the divisional order processing server. However, when discussing the divisional order processing server, the Office Action (on page 6) states that Peterson does not disclose the claimed divisional

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order processing server. The Office Action then states that a claim containing the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus. The Office Action cites *Ex Parte Masham* for these features. However, applicants respectfully submit that the Patent Office has misinterpreted *Ex Parte Masham*.

Ex Parte Masham relates to a prior art device that includes same structural requirements as the claimed features, namely a chamber and a stationary mixing means. Applicants also respectfully note that *Ex Parte Masham* related to means-plus-function claims. However, independent claim 1 and the prior art do not disclose the same structural requirements and independent claim 1 is not written in means-plus-function language. Independent claim 1 recites a divisional order processing server. Peterson does not disclose a divisional order processing server. Thus, the citation to *Ex Parte Masham* is inappropriate as *Ex Parte Masham* relates to a prior art device that included the same structural features. This differs from the present application in which the prior art reference does not show a divisional order processing server (but may teach a server). Additionally, the Office Action makes a statement with respect to "intended to employed." *Ex Parte Masham* related to an intended use for mixing flowing developer. Independent claim 1 does not include intended use limitations as in *Ex Parte Maham*. The rejection should be withdrawn at least for this reason.

Peterson does not teach or suggest a divisional order processing server to perform a scheduled order processing by providing a product shipment of a partial quantity of a total order quantity of an order-confirmed product at prescribed times, and the divisional order processing

server to register items of the scheduled order processing to a temporary order information storage unit, as recited in independent claim 1. The other applied references including Leonard do not teach or suggest the missing features of claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 68 recites that the product order errors are obtained by the order control server from a previously established error list in the database server, and wherein the product order errors in the previously established error list comprise at least one of ordered tangible product not for sale errors, dealing companies listed as bad errors, minimum order quantity and price errors, or insufficient stock of ordered tangible product errors.

The Office Action (on page 7) states that Peterson does not teach or suggest the claimed features related to the product order errors being obtained by the order control server from a previously established error list in the database server. The Office Action then cites *Ex Parte Masham* to show these features.

For at least similar reasons as set forth above, the Office Action has improperly applied *Ex Parte Masham*. That is, Peterson does not suggest the features relating to obtaining product order errors from a previously established list in the database server. Furthermore, Peterson does not teach or suggest that the previously established error list includes ordered tangible product not for sale errors, dealing companies listed as bad errors, minimum order quantity and price errors, or insufficient stock. The prior art reference does not include the same structural features as the claimed features. Thus, *Ex Parte Masham* is inappropriate. Accordingly, Peterson does not teach or suggest all the features of independent claim 68. The other applied references do not

teach or suggest the missing features. Thus, independent claim 68 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 10 and 68 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 71 recites that the order restriction information of tangible products relates to a minimum quantity of the available quantity of the corresponding tangible product. Dependent claim 72 recites that the information of the respective dealing companies used to restrict prescribed orders relate to order-restricted products associated with a distribution channel of the corresponding dealing company. Dependent claim 73 recites that the information of the respective dealing companies used to restrict prescribed orders relates to past performances of the corresponding dealing companies. The applied references do not teach or suggest these features related to information or the restricted prescribed order. Thus, dependent claims 71-73 define patentable subject matter at least for this additional reason.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-2, 4-5, 10, 12, 68 and 71-73 are earnestly solicited. If the Examiner believes that any additional changes would place

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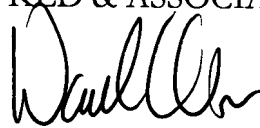
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the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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